

### **REMARKS**

Claims 1-49 were examined and reported in the Office Action. Claims 1-49 are rejected. Claims 1, 14, 23, 36 and 45 are amended. Claims 1-49 remain.

Applicant requests reconsideration of the application in view of the following remarks.

#### **I. In The Drawings**

It is asserted in the Office Action that Figs. 1A and 1B should be labeled by a legend of --Prior Art--. Applicant has amended Fig. 1A-B. Approval is respectfully requested.

#### **II. 35 U.S.C. §101**

It is asserted in the Office Action that claims 1-10 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Applicant has canceled claims 1-5. Applicant has amended the specification to remove “biological electrical, mechanical systems; electrical, optical, acoustical or other form of propagated signals (e.g., carrier waves, infrared signals, digital signals, etc.)” from the description. Applicant notes that claims 6-10 and amended specification do not pertain to a machine readable medium that includes propagated signals, such as carrier waves.

Accordingly, withdrawal of the 35 U.S.C. §101 rejections for claims 1-10 are respectfully requested.

#### **III. 35 U.S.C. §112**

It is asserted in the Office Action that claims 1-20 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended claims 6, 8, 11 and 16 to overcome the 35 U.S.C. §112, second paragraph rejections. Applicant notes that claims 13 and 18 contain the limitations “second register class,” and therefore, the 35 U.S.C. §112, second paragraph rejection of claims 13 and 18 is respectfully incorrect.

Accordingly, withdrawal of the 35 U.S.C. §112, second paragraph, rejections for claims 1-20 are respectfully requested.

**IV. 35 U.S.C. §102(b)**

It is asserted in the Office Action that claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by U. S. Patent No. 4,961,141 issued to Hopkins et al ("Hopkins").

According to MPEP §2131,

'[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.' (Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). 'The identical invention must be shown in as complete detail as is contained in the ... claim.' (Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, *i.e.*, identity of terminology is not required. (In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990)).

Hopkins discloses optimizing a compiler to generate efficient code for computers that have dissimilar register spaces. In Hopkins for each symbolic register that appears in more than one register space context, new symbolic register numbers are generated so that there is one number for each register space. If a definition point of a symbolic register is encountered and that symbolic register is used in more than one register space context, Hopkins inserts code in the program to either do the same operation as is done at the definition point in each register space or move a value in the symbolic register from one space to another. Hopkins, however, does not teach, disclose or suggest Applicant's claim 6 limitations of "assigning a first register class to at least one symbolic register in at least one instruction; assigning a second register class to the at least one symbolic register through conjunctive forward dataflow analysis; reducing register class fixups for the assignment of the second register class," Applicant's claim 11 limitations of "the compiler assigns a first register class in at least one instruction to the at least one symbolic register, and assigns a second register class through conjunctive forward dataflow analysis to the at least one symbolic register, reduces register class fixups for the assignment of the second register class, and renames the at least one symbolic register," nor Applicant's amended claim 16

limitations of “the compiler assigns a first register class in at least one instruction to the at least one register, assigns a second register class through conjunctive forward dataflow analysis to the at least one register, reduces register class fixups for the assignment of the second register class, and renames the at least one register.”

Therefore, since Hopkins does not teach, disclose or suggest all of Applicant’s amended claims 6, 11 and 16 limitations, Applicant respectfully asserts that a *prima facie* rejection under 35 U.S.C. § 102(b) has not been adequately set forth relative to Hopkins. Thus, Applicant’s amended claims 6, 11 and 16 are not anticipated by Hopkins. Additionally, the claims that directly depend on claims 6, 11 and 16, namely claims 7-10, 12-15, and 17-20, respectively, are also not anticipated by Hopkins for the same reason.

Accordingly, withdrawal of the 35 U.S.C. §102(b) rejections for claims 1-20 are respectfully requested.

**CONCLUSION**

In view of the foregoing, it is believed that all claims now pending, namely 6-20, patentably define the subject invention over the prior art of record and are in condition for allowance and such action is earnestly solicited at the earliest possible date.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below to the United States Patent and Trademark Office.

  
Jean Svoboda

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